

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

~~FILED BY~~

~~DEC 15 2005~~

~~AFTER HOURS DEPOSITORY~~  
Thomas M. Goule, Clerk  
U. S. District Court  
W. D. OF TN, Jackson

NELDA DAVIS, )  
Plaintiff, )  
vs. )  
MORNINGSIDE OF JACKSON, LLC, )  
d/b/a MORNINGSIDE ASSISTED )  
LIVING OF JACKSON, )  
Defendant. )

No. 05-01284 T/A

**MOTION FOR EXTENSION OF TIME IN WHICH TO FILE A  
RESPONSE TO A DEFENDANT'S MOTION TO DISMISS, OR IN THE  
ALTERNATIVE FOR SUMMARY JUDGMENT; OR IN THE ALTERNATIVE,  
TO STAY FURTHER PROCEEDINGS AND TO COMPEL ARBITRATION  
AND MEMORANDUM IN SUPPORT**

COMES NOW THE PLAINTIFF, by and through counsel, and moves this Honorable Court for an extension of time in order to file a response to Defendant's Motion to Dismiss or, in the alternative, for Summary Judgment; or in the alternative to Stay Further Proceedings and to Compel Arbitration and Memorandum in Support. In support of Plaintiff's Motion for Extension of Time, Plaintiff would show unto the Court as follows:

1. On Friday, December 9, 2005, counsel for the Plaintiff, R. Lowe Finney, announced to the partners at the law firm of Hardee, Martin, Dauster & Donahoe that he will be leaving the firm at the end of this year, 2005.
2. Attorney C. Mark Donahoe and Attorney David Hardee of the firm will be assuming representation of the Plaintiff.
3. Attorneys Donahoe and Hardee have discussed this matter with Defendant's attorney, Robert D. Meyers, and Defendant's attorney has no objections to the extension of time.
4. Attorneys Donahoe and Hardee respectfully request an extension of thirty (30) days in order for them to review the file and prepare a response to Defendant's motion.

**MOTION GRANTED**  
**DATE: 19 December 2005**

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79 (a) FRCP on 12/22/05

James D. Todd  
James D. Todd  
U. S. District Judge

9

WHEREFORE, PLAINTIFF'S ATTORNEYS PRAY that an extension of time of thirty (30) days be granted in order for Plaintiff's attorneys to review the file and prepare a response to Defendant's motion.

Respectfully submitted,

HARDEE, MARTIN, DAUSTER & DONAHOE, P.A.

  
DAVID HARDEE BPR# 006239  
  
C. MARK DONAHOE BPR# 014049

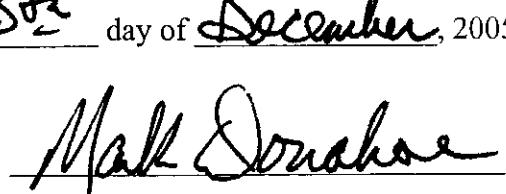
Attorneys for Plaintiff  
P.O. Box 98  
Jackson, TN 38302-0098  
(731)424-2151

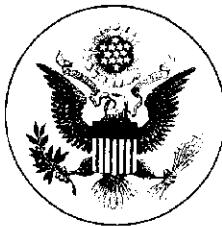
**CERTIFICATE OF SERVICE**

I certify that I have served an exact and true copy of the foregoing pleading on:

Mr. Robert D. Meyers  
Attorney for Defendant  
3725 Campion Hills Drive, Ste. 3000  
Memphis, TN 38125

by mailing same, postage prepaid, on this the 15<sup>th</sup> day of December, 2005.





# Notice of Distribution

This notice confirms a copy of the document docketed as number 9 in case 1:05-CV-01284 was distributed by fax, mail, or direct printing on December 22, 2005 to the parties listed.

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Honorable James Todd  
US DISTRICT COURT